No. 93-388

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

October Term, 1993

COMMONWEALTH OF PENNSYLVANIA, OFFICE OF THE BUDGET,

Petitioner,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, ALMA R. JACOBS, REGIONAL DIRECTOR, REGION III, DHHS,

Respondent.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

BRIEF OF THE STATE OF ALABAMA, AS *AMICUS CURIAE,* IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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INTEREST OF THE *AMICUS CURIAE*

Alabama is presently litigating a dispute before an administrative tribunal of the United States Department of Health and Human Services. Alabama's case involves the same question presented for review by the Commonwealth of Pennsylvania's Petition for a Writ of Certiorari.

SUMMARY AND ARGUMENT

The State of Alabama incorporates herein and respectfully refers the Court to the arguments made in the Petition for a

Writ of Certiorari filed by the Commonwealth of Pennsylvania.

CONCLUSION

This Court should grant the Petition for a Writ of Certiorari and reverse the judgment of the United States Court of Appeals for the Third Circuit.

Respectfully submitted,

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AFFIDAVIT OF SERVICE

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CITY OF WASHINGTON)
) SS:
DISTRICT OF COLUMBIA)

I, Malcolm J. Harkins, III, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

I am a member of Proskauer, Rose, Goetz & Mendelsohn, attorneys for *Amicus Curiae* in the above captioned matter.

That on the 12 day of October, 1993, I served the within Amicus Brief upon:

Bruce G. Forrest, Esq.
Attorneys, Appellate Staff
Civil Division, Room 3338
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Washington, D.C. 20530

Solicitor General
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by depositing three true copies of same enclosed in a post-paid, properly addressed wrapper, in an official depository maintained by the United States Postal Service.

Unless otherwise noted, filing to the court has been perfected on the same date as above. All parties required to be served have been served.

Malcolm J. Harkins, III

Sworn to and subscribed
before me this 12 day
of October 1993

HELEN W. MUSOLINO
NOTARY PUBLIC DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES DECEMBER 14, 1997

Notary Public